

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DELIA FLORES,

Plaintiff,

v.

CHIME FINANCIAL, INC. f/k/a 1DEBIT, INC.,
and THE BANCORP BANK,

Defendants.

Civil Action No.: 1:21-cv-04735-RA

**DECLARATION OF ISHA SRIVASTAVA IN SUPPORT
OF DEFENDANTS' MOTION TO COMPEL ARBITRATION**

I, Isha Srivastava, pursuant to 28 U.S.C. § 1746, hereby declare the following to be true and correct under penalty of perjury:

1. I am a Litigation Specialist within the Legal Department of defendant, Chime Financial Inc. ("Chime"). I make this Declaration upon my review of records created and maintained by Chime in the ordinary course of business. I am fully familiar with the facts and circumstances set forth herein.

2. Chime is a financial technology company that partners with regional banks, including The Bancorp Bank ("Bancorp"), to provide financial services to members.

3. According to Chime's records, on February 12, 2020 at 8:15:53 PST, plaintiff, Delia Flores ("Plaintiff"), used Chime's online platform to open Bancorp-issued Spending Account, account number XXXXXXXX8546 (the "8546 Account").

4. Chime's records further reflect that Plaintiff opened the 8546 Account online by using Chime's website, www.chime.com. Attached hereto as Exhibit "A" is copy of Chime's

record reflecting, among other things, Plaintiff's completion of the online application with PII and sensitive financial information redacted.

5. To open a Spending Account, all users are required to complete an online application process, which requires the user to agree to be bound by the terms and conditions of the Deposit Account Agreement (the "DAA") and Chime User Agreement. A screenshot from Chime's website showing the last step of the application process, where an applicant must click that he/she has read and agrees to the terms of both the DAA and the Chime User Agreement is attached hereto as Exhibit "B."

6. The Deposit Account Agreement and Chime User Agreement are both available for users to review on the Chime website.

7. Copies of the Deposit Account Agreement and Chime User Agreement are attached hereto as Exhibits "C" and "D," respectively.

8. Chime maintains records of members who have opted out of the arbitration agreement set forth in the User Agreement. Chime has not been able to locate any record of Plaintiff opting out of the arbitration agreement. (*See id.* at p. 13.)

Dated this 21 day July, 2021


ISHA SRIVASTAVA